

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25262 OF 2005

DATED:28.11.2005

Between:

Rayapudi Vandanaamma

...Petitioner

And

The District Collector,

Krishna District, Machilipatnam

and another

...Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25262 OF 2005

ORDER:

The petitioner was allegedly assigned an extent of 99 Sq.yards comprised in T.S.No.387, Vidyadharapuram, Vijayawada. She alleges that she constructed a house bearing No.1-3-83 and residing there. When there was an attempt to dispossess her, she filed Writ Petition No.13718 of 2001. The same was disposed of by this Court with a direction to second respondent to take necessary action under due process of. Thereafter, after issuing show cause notice, the Mandal Revenue Officer (Urban), Vijayawada, cancelled the assignment. Aggrieved by the same, the petitioner appears to have filed an appeal before the Revenue Divisional Officer, Vijayawada. According to the petitioner the same is still pending. In the mean while, it is alleged that the second respondent is interfering with the possession of the

petitioner and threatening to demolish the house. Aggrieved by the same, present Writ Petition is filed.

Heard the learned counsel for the petitioner and the learned Standing Counsel for Vijayawada Municipal Corporation (VMC). Learned counsel for the petitioner submits that when the appeal filed by the petitioner against cancellation of assignment is pending, it is improper for the respondents to interfere with the petitioner's possession. After getting instructions from the second respondent, learned Standing Counsel, however, submits that the petitioner occupied road margin portion admeasuring 99 Sq.yards, though she was assigned some other land. She is, however, not able to specifically deny the allegation that the appeal before the Revenue Divisional Officer is pending. In view of the same, it would be in the interest of parties, to dispose of the Writ Petition with a direction to the Revenue Divisional Officer.

Accordingly, the Writ Petition is disposed of directing the Revenue Divisional Officer to consider the appeal submitted by the petitioner against the orders of the Mandal Revenue Officer (Urban), Vijayawada, dt.8.9.2003 and pass appropriate order within a period of two weeks from the date of receipt of a copy of this order, if the appeal is still pending. It shall also be open to the petitioner to obtain appropriate interim orders from the Revenue Divisional Officer. In this Writ Petition no relief as prayed can be granted.

The Writ Petition with the above observations and directions is accordingly disposed of.

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(V.V.S.RAO, J)

28.11.2005

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